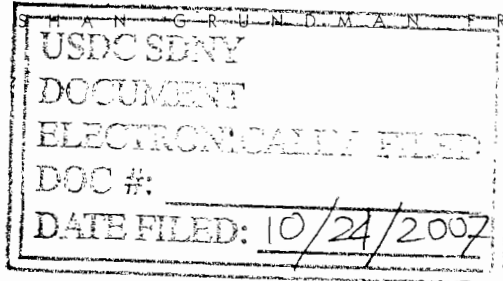


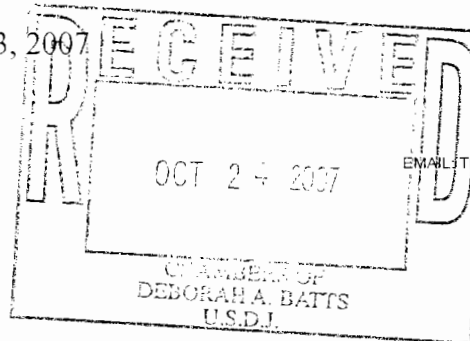
O L S H A N

MEMO ENDORSED

O L S H A N G R U N D M A N F R O M E R O S E N Z W E I G & W O L O S K Y L L P



October 23, 2007



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VIA FEDEX

Hon. Deborah A. Batts
United States District Court
500 Pearl Street
Room 2510
New York, New York 10007

Re: Cyberlux Corporation v. AJW Partners, LLC, et al.
Case No. 07-CV7808 (DAB)

Dear Judge Batts:

We are counsel for defendants. I am writing to request a telephone conference on a scheduling issue that arose today, namely plaintiff Cyberlux's untimely filing of papers opposing defendants' motion to dismiss the Complaint.

Plaintiff filed its Complaint on September 4, 2007, and served it September 7, 2007. Defendants served their motion to dismiss on September 21, 2006. Under Local Rule 6.1(b), plaintiff's opposition papers were due on October 5, 2007, more than two weeks ago. But plaintiff did not request an extension of time or serve any opposition papers. Because of that default, I wrote to you on October 19, 2007, requesting that the Court grant our motion and dismiss the Complaint.

This morning, plaintiff belatedly filed its opposition. We then asked plaintiff's counsel to consent to extending our time to serve reply papers until five days after the Court responds to our letter request. Counsel refused.

Therefore, we request a telephone conference among the parties and the Court concerning the issue of whether the Court will extend our time to file reply papers until it has ruled on whether plaintiff's untimely opposition is improper. Either my associate Jack Kint (212) 451-2264 or I will be available for that conference.

Denied

The Court is in receipt of Plaintiff's letter dated October 24, 2007 and accepts Plaintiff's counsel's explanation for the late filed opposition papers. Accordingly, the Court denies Defendants' request to grant their Motion to Dismiss by default. Defendants shall file any reply papers that they should wish to submit within 10 days of the date of this order.

DAB 10/24/07

556862-1

MEMO ENDORSED

NEW JERSEY OFFICE

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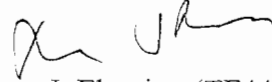
October 23, 2007

Page 2

MEMO ENDORSED

This is our first request for an extension of time. Thank you for considering it.

Respectfully,



Thomas J. Fleming (TF4423)

cc: Ernest E. Badway, Esq. (via e-mail and facsimile)

MEMO ENDORSED

SO ORDERED



DEBORAH A. BATTS 10/24/2007
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED